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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,401	09/28/2001	Martin Rosner	US 010423	4396
24737	7590	11/04/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			HENNING, MATTHEW T	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/966,401	ROSNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew T Henning	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 September 2001.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/28/01 10/18/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

This action is in response to the communication filed on 09/28/2001.

### **DETAILED ACTION**

1. Claims 1-18 have been examined.

#### ***Title***

2. The title of the invention is acceptable.

#### ***Priority***

3. The application has been filed under Title 35 U.S.C §119, claiming priority to provisional application 60/279639, filed March 29, 2001.
4. The effective filing date for the subject matter defined in the pending claims in this application is March 29, 2001.

#### ***Information Disclosure Statement***

5. The information disclosure statements (IDS) submitted on 09/28/2001 and 10/10/2003 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Drawings***

6. The drawings filed on 09/28/2001 are acceptable for examination proceedings.

#### ***Specification***

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

*The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.*

*The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.*

8. The abstract of the disclosure is objected to because

Lines 1-2: "Methods and...screening algorithm" must be removed, as it repeats the information provided in the title.

Correction is required. See MPEP § 608.01(b).

***Claim Objections***

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

10. Claims 1, 3, 4, 7, 10, 14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by van Zoest et al. (US Patent Number 6,496,802) hereinafter referred to as van Zoest.

11. Claim 1 recites a method of preventing an attack on a screening algorithm, the method comprising the steps of: identifying content to be downloaded (See van Zoest

Col. 5 Lines 39-40); determining a total number of sections of a predetermined duration of time in the content to be downloaded (See van Zoest Col. 8 Lines 64-66 and Col. 12 Paragraph 6); and screening a predetermined number of sections of the total number of sections to determine whether the predetermined number of sections verify correctly through the screening algorithm wherein the predetermined number of sections is a function of a characteristic of the content (See van Zoest Col. 8 Paragraph 7 – Col. 9 Paragraph 1).

12. Claim 3 recites that the screening algorithm relies on a sampling of data contained within the identified content (See van Zoest Col. 8 Paragraph 7 – Col. 9 Paragraph 1).

13. Claim 4 recites that the identified content is downloaded from the Internet (See van Zoest Col. 3 Lines 20-25 and Col. 5 Lines 39-45).

14. Claim 7 recites the step of determining a total length of time of the content prior to the screening step (See Van Zoest Col. 12 Paragraph 6).

15. Claim 10 recites that the predetermined number of sections to be screened is a function of a duration of time for the content (See van Zoest Col. 16 Lines 31-40).

16. Claim 14 is rejected for the same reasons as claim 1 above and further because van Zoest disclosed implementing the verification in software (See van Zoest Col. 5 Lines 48-50 and Col. 13 Line 65 – Col. 14 Line 3).

17. Claim 16 is rejected for the same reasons as claim 7 above.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

19. Claims 2, 5, 6, 8, 12-13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Zoest as applied to claim 1 and 14 above, and further in view of SDMI ("SDMI Portable Device Specification, Part I, Version 1.0" and "Amendment 1 to SDMI Portable Device Specification, Part I, Version 1.0") hereinafter referred to as SDMI1 and SDMI2 respectively, and further in view of applicant admitted prior art.

Although van Zoest disclosed a processor and memory (See van Zoest Col. 5 Lines 7-20, and 46-48) for screening music content prior to allowing download of the content (See rejection of claim 1 above), van Zoest failed to disclose the screening including an algorithm specified by the SDMI.

SDMI1 and SDMI2 teach a standard for screening music content in order to implement copyright protection on the content (See SDMI1 Sections 1 and 2). This screening includes screening sections of 15-second duration (See SDMI2 Section 6.1.2), and screening 2 sections (See SDMI1 Sections 6.1 and 6.2 and Applicant admitted prior art Page 7 Lines 12-18).

It would have been obvious to the ordinary person skilled in the art the time of invention to employ the teachings of SDMI1 And SDMI2 in the screening process of van

Zoest by following the SDMI screening standard. This would have been obvious because the ordinary person skilled in the art would have been motivated to provide a larger marketplace for the customers of the music downloading site and to protect the rights of the content owners by conforming to the SDMI standard.

20. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over van Zoest as applied to claim 1 above, and further in view of Hillis (US Patent Number 6,028,936).

Although van Zoest disclosed a method for screening music content prior to allowing download of the content (See rejection of claim 1 above), van Zoest failed to disclose that the number of sections screened was dependant on the desire of security versus performance. van Zoest did, however, disclose that the number of sections screened could be determined by any algorithm (See van Zoest Col. 8 Line 63 – Col. 9 Line 5).

Hillis teaches that when sampling media, the size of the samples should be determined based on the level of security desired, and that the greater the size, the better the security, but the longer the verification takes (See Hillis Col. 4 Lines 60-67).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Hillis in the sample screening system of van Zoest. This would have been obvious because the ordinary person skilled in the art would have been motivated to provide the customers of the site with the best service while still providing adequate copyright protection.

21. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of van Zoest and SDMI as applied to claims 8 and 14 above respectively, and further in view of Serret-Avila et al. (US Patent Number 6,785,815) hereinafter referred to as Serret-Avila.

Although van Zoest disclosed the number of sections to be screened depending on the time of the content (See rejection of claim 10 above), van Zoest failed to disclose incrementing the number of sections screened by one for every predetermined length of the content.

Serret-Avila teaches that in order to protect data content each block should contain the signature of the previous block, and signature in each block should be checked in order to verify the authenticity of the previous block (See Serret-Avile Col. 12 Paragraph 3).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the block signatures of Serret-Avile in the music verification system of van Zoest. This would have been obvious because the ordinary person skilled in the art would have been motivated to ensure that the user of the music access system had authentication for all blocks of the content downloaded.

### ***Conclusion***

22. Claims 1-18 have been rejected.

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Gross et al. (US Patent Number 6,802,003) disclosed a content authentication system for authenticating SDMI content prior to allowing downloading of the content from the Internet.
- b. Tso et al. (US Patent Number 6,088,803) disclosed a method for screening files prior to downloading in which blocks of the files, which the size of the blocks depended on the file type, were screened prior to downloading to the final destination.

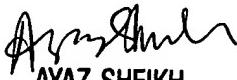
24. Please direct all inquiries concerning this communication to Matthew Henning whose telephone number is (571) 272-3790. The examiner can normally be reached Monday-Friday from 9am to 4pm, EST.

If attempts to reach examiner by telephone are unsuccessful, the examiner's acting supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The fax phone number for this group is (703) 305-3718.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



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